

### **REMARKS**

This paper is presented in response to the Office Action. By this paper, claims 1, 6, 13, 23 and 28 are canceled, and claims 2, 4, 7, 9, 11, 12, 14, 16, 18, 20, 22, 24, 26, 29, 31, 33 and 34 are amended. Claims 2-5, 7-12, 14-22, 24-27 and 29-38 are now pending in light of the aforementioned cancellations.

Reconsideration of the application is respectfully requested in view of the following remarks. For the convenience and reference of the Examiner, the remarks are presented in the order in which the corresponding issues were raised in the Office Action.

#### **I. General Considerations**

Applicant notes that the amendments and remarks presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited references. Such amendments and remarks, or a lack of remarks, are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicant: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner in this case. Applicant reserves the right to challenge the purported teaching and asserted prior art status of the cited references at any appropriate time.

In addition, the amendments and remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed herein are presented solely by way of example.

#### **II. Claim Rejections**

##### **a. rejection of claims under 35 U.S.C. §102(b)**

The Examiner has rejected claims 1-3, 6, 11, 13-15, 22-25, 28 and 33 under 35 U.S.C. § 102(b) as being anticipated by U.S. 5,031,991 to Nakatsu et al. ("Nakatsu"). Applicant disagrees with the contentions of the Examiner however and submits that for at least the reasons outlined below, the rejection has been overcome and should be withdrawn. As to claims 1, 6, 13, 23 and 28, those claims have been canceled herein. Thus, the rejection of claims 1, 6, 13, 23 and 28 has been rendered moot and should accordingly be withdrawn.

Further, claims 2, 3 and 11 depend from claim 9, which has been rewritten as suggested by the Examiner. Accordingly, the rejection of claims 2, 3 and 11 has been overcome and should be withdrawn.

Claims 14, 15 and 22 depend from claim 20, which has been rewritten as suggested by the Examiner. Accordingly, the rejection of claims 14, 15 and 22 has been overcome and should be withdrawn.

As well, claims 24, 25 and 33 depend from claim 31, which has been rewritten as suggested by the Examiner. Accordingly, the rejection of claims 24, 25 and 33 has been overcome and should be withdrawn.

**b. rejection of claims under 35 U.S.C. §103(a)**

The Examiner has rejected claims 4-5, 16-17 and 26-27 under 35 U.S.C. § 103(a) as being unpatentable over *Nakatsu* in view of U.S. 6,212,216 to Pillai (“*Pillai*”). Applicant disagrees with the contentions of the Examiner however and submits that for at least the reasons outlined below, the rejection has been overcome and should be withdrawn.

Claims 4 and 5 depend from claim 9, which has been rewritten as suggested by the Examiner. Accordingly, the rejection of claims 4 and 5 has been overcome and should be withdrawn.

Similarly, claims 16 and 17 depend from claim 20, which has been rewritten as suggested by the Examiner. Accordingly, the rejection of claims 16 and 17 has been overcome and should be withdrawn.

Finally, claims 26 and 27 depend from claim 31, which has been rewritten as suggested by the Examiner. Accordingly, the rejection of claims 26 and 27 has been overcome and should be withdrawn.

In addition to the aforementioned claims, the Examiner has also rejected claims 12 and 34 under 35 U.S.C. § 103(a) as being unpatentable over *Nakatsu* in view of U.S. 6,125,222 to Anthon (“*Anthon*”). Applicant disagrees with the contentions of the Examiner however and submits that for at least the reasons outlined below, the rejection has been overcome and should be withdrawn.

Particularly, claim 12 now depends from claim 9, which has been rewritten as suggested by the Examiner. Accordingly, the rejection of claim 12 has been overcome and should be withdrawn.

Similarly, claim 34 depends from claim 31, which has been rewritten as suggested by the Examiner. Accordingly, the rejection of claim 34 has been overcome and should be withdrawn.

**III. Allowable Subject Matter**

**a. claims 35-38**

Applicant acknowledges with thanks the indication of the Examiner that claims 35-38 are allowed, and Applicant also wishes to thank the Examiner for the careful review of those claims.

Applicant submits the following comments concerning the Examiner's statements of reasons for the indication of allowable subject matter in the Office Action. In general, Applicant agrees with the Examiner that the inventions to which claims 35-38 are directed are patentable over the cited references, but respectfully disagrees with the Examiner's statement of reasons for allowance as set forth in the Office Action.

Particularly, Applicant submits that it is improper to characterize a single limitation, or subset of limitations, as constituting the basis for allowance of a claim. Rather, the patentability of a claim is properly determined with reference to the claim as a whole. Accordingly, Applicant does not concede that the reasons for allowable subject matter given by the Examiner are the only reasons that make, or would make, the claim allowable and Applicant does not make any admission or concession concerning the Examiner's statements in the Office Action concerning the allowability of claim 35-38 in view of the cited references.

**b. claims 7-10, 18-21 and 29-32**

The Examiner has indicated that claims 7-10, 18-21 and 29-32 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As suggested by the Examiner, Applicants have rewritten claims 9, 20 and 31 in independent format so as to include all of the limitations of the respective base claims and any intervening claim(s). Inasmuch as claims 7, 8, 10, 18, 19, 21, 29-30 and 32 each depend from one of claims 9, 20 or 31, claims 7, 8, 10, 18, 19, 21, 29-30 and 32 are believed to be in allowable condition.

**IV. State of this Case**

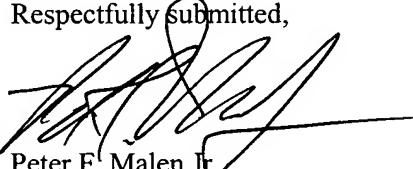
Inasmuch as the only claim amendments presented in this paper are those suggested by the Examiner, and further in view of the fact that no new claims or argumentation are presented herein, it is believed that this case is in condition for immediate allowance.

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Reply to Final Office Action mailed May 12, 2005

**CONCLUSION**

In view of the remarks submitted herein, Applicant respectfully submits that each of the pending claims 2-5, 7-12, 14-22, 24-27 and 29-38 is in condition for immediate allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 11<sup>th</sup> day of October, 2005.

Respectfully submitted,  
  
Peter F. Malen Jr.  
Attorney for Applicant  
Registration No. 45,576  
**Customer No. 022913**  
Telephone No. (801) 533-9800